

UNITED STATES DISTRICT COURT
for the
Western District of Washington

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CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA	
BY _____	DEPUTY

In the Matter of the Search of:
LELAND DALE EICHINGER

Case No. 3:20-mj-05294

APPLICATION FOR A SEARCH WARRANT FOR BLOOD SAMPLE

I, Stephanie Varney, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that a sample of blood consisting of one of more tubes or vials should be taken from the following person:

LELAND DALE EICHINGER

located in the Western District of Washington and that this blood sample is evidence of the following crime or crimes.

- ☒ Driving While Under the Influence in violation of RCW 46.61.502, 18 U.S.C. § 13, and 36 C.F.R § 4.23 or 38 C.F.R. § 1.218
- ☐ Physical Control of a Vehicle While Under the Influence of Alcohol or Drugs in violation of RCW 46.61.504, 18 U.S.C. § 13, and 36 C.F.R § 4.23 or 38 C.F.R. § 1.218
- ☐ Driver under Twenty-One Consuming Alcohol or Marijuana in violation of RCW 46.61.503 and 18 U.S.C. § 13
- ☐ Vehicular Homicide in violation of RCW 46.61.520 and 18 U.S.C. § 13
- ☐ Vehicular Assault in violation of RCW 46.61.524 and 18 U.S.C. § 13
- ☐ _____

This application is based on the facts set forth in the attached affidavit which is incorporated herein as if fully set forth.

Pursuant to Fed. R. Crim. P. 4.1 & 41(d)(3), this warrant is presented:

- ☒ By reliable electronic means. ☐ Telephonically (and recorded).

STEPHANIE M. VARNEY
POLICE OFFICER, JBLM

The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone on this 21st day of December, 2020.

THE HON. THERESA L. FRICKE
UNITED STATES MAGISTRATE JUDGE

1 STATE OF WASHINGTON)
2) ss
3 COUNTY OF PIERCE)
4

5 **AFFIDAVIT OF STEPHANIE VARNEY**

6 I, Stephanie M. Varney, an officer in the Joint Base Lewis-McChord Police
7 Department located at Joint Base Lewis-McChord in Pierce County, Washington, having
8 been duly sworn, state as follows:

9 **AFFIANT BACKGROUND**

10 1. I have served as a law enforcement officer for the past five years. My
11 training and experience relevant to the investigation discussed below includes the
12 following: Basic law enforcement training at the Federal Law Enforcement Training
13 Center, and training in Standardized Field Sobriety Testing to National Highway Traffic
14 Safety Administration (NHTSA) Standards. I am currently certified as an operator for
15 the breath-testing instrument in the State of Washington. Through my past training and
16 experience I have learned to recognize signs of alcohol and/or drug impairment in
17 persons and to determine whether or not a person's ability to operate a motor vehicle
18 safely is impaired. I am also aware from my training and experience that most drugs
19 once ingested including alcohol, will be detectable in a person's blood. I am also trained
20 to recognize the signs and evidence of an alcohol and/or drug related collision. I have
21 received training in collision investigation while attending the Traffic Management
22 Collision Investigation (T.M.C.I.) course.

23 2. The entire incident I am about to describe occurred in the jurisdictional
24 boundaries of Joint Base Lewis-McChord, Washington.

25 3. The information presented in this affidavit is:

26 ☒ Based on my personal observations and interviews that I have
27 conducted.

28 **INTRODUCTION AND PURPOSE OF THE AFFIDAVIT**

4. The purpose of this affidavit is to seek a search warrant to authorize me or
other law enforcement officers to direct a physician, a registered nurse, a licensed

practical nurse, a nursing assistant as defined in Chapter 18.88A of the Revised Code of Washington (RCW), a physician assistant as defined in chapter 18.71A of the RCW, a first responder as defined in chapter 18.73 of the RCW, an emergency medical technician as defined in chapter 18.73 of the RCW, a health care assistant as defined in chapter 18.135 of the RCW, or any technician trained in withdrawing blood to extract a blood sample consisting of one or more tubes or vials from **LELAND DALE EICHINGER** (hereafter "the Subject"). This warrant is requested for the purpose of gathering evidence of the following crime(s):

- ☒ Driving While Under the Influence in violation of RCW 46.61.502, 18 U.S.C. § 13, and 36 C.F.R § 4.23 or 38 C.F.R. § 1.218
- ☐ Physical Control of a Vehicle While Under the Influence of Alcohol or Drugs in violation of RCW 46.61.504, 18 U.S.C. § 13, and 36 C.F.R § 4.23 or 38 C.F.R. § 1.218
- ☐ Driver under Twenty-One Consuming Alcohol or Marijuana in violation of RCW 46.61.503 and 18 U.S.C. § 13
- ☐ Vehicular Homicide in violation of RCW 46.61.520 and 18 U.S.C. § 13
- ☐ Vehicular Assault in violation of RCW 46.61.524 and 18 U.S.C. § 13
- ☐ _____

5. I am seeking to present this application for a search warrant by electronic means because the natural metabolization of alcohol or drugs in the bloodstream may result in the loss of this evidence in the time it would take to present a search warrant application in a more traditional fashion.

SUMMARY OF PROBABLE CAUSE

6. As a result of my duties I am familiar with the jurisdictional boundaries of Joint Base Lewis-McChord in Pierce County, Washington. The incident described below occurred within these jurisdictional boundaries, an area within the special maritime and territorial jurisdiction of the United States as defined in 18 U.S.C. § 7.

7. The initial contact with the Subject occurred on December 21, 2020 at approximately 1:13 p.m. at Joint Base Lewis-McChord, Washington.

1 8. Based on my training and experience, I believe the Subject may be under
2 the influence of intoxicants or drugs because: (a) he drove his vehicle into a tree; (b) a
3 witness to the collision smelled alcohol on the Subject; and (c) the Subject admitted to
4 consuming alcohol before driving his vehicle into a tree. More specifically, I was
5 dispatched by the Joint Base Emergency Communication Center to the site of a single-
6 vehicle collision at the intersection of Hillside Drive and Garcia Boulevard, located on
7 Joint Base Lewis-McChord, Washington. When I arrived at the scene, I saw that the
8 Subject's vehicle, a 2000 Toyota Celica bearing Washington State license plate number
9 BRM7954, had front-end damage from colliding with a tree. I saw the Subject standing
10 outside his vehicle; he was leaning on the vehicle's passenger door in order to support
11 himself. The Subject told me that he had difficulty breathing.

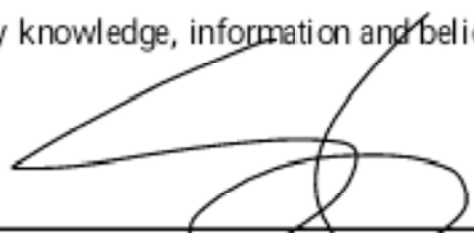
12 9. I also spoke with David Riddle ("Riddle"), a witness to the single-vehicle
13 accident. Riddle told me that he pulled the Subject out of the Subject's vehicle after the
14 accident.

15 10. Medical services professionals arrived at the scene and assessed the
16 Subject. After assessing the Subject, they transported the Subject to the Madigan Army
17 Medical Center's Emergency Room, where he was assessed for possible injuries to his
18 lungs. Medical professionals administered fentanyl to the Subject for his injuries, after
19 performing a CT scan upon him. While at the Madigan Army Medical Center, another
20 law-enforcement officer told me that Riddle stated that he smelled a faint odor of alcohol
21 when he was in contact with the Subject.

22 11. At approximately 2:32 p.m., law enforcement agents advised the Subject of
23 his rights. After being informed of those rights, the Subject voluntarily agreed to give a
24 statement to the officers. The Subject stated that he consumed alcohol at a friend's house
25 at around 12:00 p.m. He further stated that he was driving home from his friend's house
26 when he drove his car into a tree. When speaking with the Subject, I saw that his face
27 was flush, and that his eyes were watery and blood-shot. I also noticed that his speech
28 was slightly slurred and strained.

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3 I certify (or declare) under penalty of perjury under the laws of the United States
4 that the foregoing is true and correct to the best of my knowledge, information and belief.

5 Dated this 21st day of December, 2020.

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8 
9 STEPHANIE M. VARNEY, AFFIANT
10 POLICE OFFICER
11 JOINT BASE LEWIS-MCCHORD

12 The above-named agent provided a sworn statement attesting to the truth of the
13 foregoing affidavit on this 21st day of December, 2020.

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15 THE HON. THERESA L. FRICKE
16 UNITED STATES MAGISTRATE JUDGE
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